

Notice of Allowability

Application No.

10/527,090

Applicant(s)

YUUKI ET AL.

Examiner

Art Unit

Iqbal H. Chowdhury, Ph.D.

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/13/2007.
2. ☒ The allowed claim(s) is/are 1,2,5-8,11-14,17-20 and 23-36.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>2/26/07</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Application Status

In response to a previous Office action, a non-final requirement (mailed on March 5, 2007), Applicants filed an amendment on August 13, 2007, amending claims 1, 7, 11, 13, 19, 23, 25-26, 28-29, 31-32, and 34-35, and canceling claims 3, 9, 15, and 21 is acknowledged. Claims 4, 10, 16, 22 remain cancelled.

Claims 1-2, 5-8, 11-14, 17-20, and 23-36 are currently pending and are now under consideration.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel A. Geselowitz, the representative of the instant application on November 2, 2007.

Amend claims as follows:

Claim 25, line 7, replace after "1%SDS" with "1% SDS".

Claim 25, line 9, replace after "0.1%SDS" with "0.1% SDS".

Claim 26, line 8, replace after "1%SDS" with "1% SDS".

Claim 1, line 6, insert "and" before "wherein".

Claim 7, line 10, insert "and" before "wherein".

Claim 11, line 11, insert "and" before "wherein".

Art Unit: 1652

Claim 13, line 6, insert "and" before "wherein".

Claim 19, line 10, insert "and" before "wherein".

Claim 23, line 11, insert "and" before "wherein".

Claim 25, line 11, insert "and" before "wherein".

Claim 26, line 11, insert "and" before "wherein".

Claim 28, line 14, insert "and" before "wherein".

Claim 29, line 14, insert "and" before "wherein".

Claim 31, line 11, insert "and" before "wherein".

Claim 32, line 11, insert "and" before "wherein".

Claim 34, line 14, insert "and" before "wherein".

Claim 35, line 14, insert "and" before "wherein".

Claim 7, line 4, delete "on" after "promoting".

Claim 11, line 4, delete "on" after "promoting".

Claim 13, line 3, delete "on" after "promoting".

Claim 19, line 4, delete "on" after "promoting".

Claim 23, line 4, delete "on" after "promoting".

Claim 25, line 2, delete "on" after "promoting".

Claim 26, line 2, delete "on" after "promoting".

Claim 28, line 4, delete "on" after "promoting".

Claim 29, line 4, delete "on" after "promoting".

Claim 31, line 2, delete "on" after "promoting".

Claim 32, line 2, delete "on" after "promoting".

Art Unit: 1652

Claim 34, line 4, delete "on" after "promoting".

Claim 35, line 4, delete "on" after "promoting".

Claim 26, line 6, delete "gene" before "comprise".

Claim 29, line 9, delete "gene" before "comprise".

Allowable Subject Matter

Claims 1-2, 5-8, 11-14, 17-20, and 23-36 are allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The applicant has claimed a transformant of *S. mobaraensis* or *S. lividans* strains comprising a transglutaminase gene from *S. mobaraensis* comprising a promoter and a terminator sequence specifically from *S. mobaraensis*, wherein the gene as set forth in SEQ ID NO: 1 or SEQ ID NO: 2 derived from *S. mobaraensis*, cloning in an expression vector with promoter and terminator in the said bacterial strains and collecting the produced transglutaminase. The prior art does not teach a transformant of *S. mobaraensis* or *S. lividans* comprising transglutaminase gene of SEQ ID NO: 1 or 2 comprising the terminator sequence from *S. mobaraensis* (same species), which is important for transglutaminase protein synthesis in said transformed cell by terminating the translation due to the presence of native terminator sequence. A standard search did not produce any prior art that suggests or teaches the claimed invention. The claimed invention is novel and nonobvious over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 1652

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iqbal Chowdhury, Ph.D. whose telephone number is (571) 272-8137. The examiner can normally be reached on Monday-Friday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy, can be reached at (571) 272-0928.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Iqbal Chowdhury, PhD, Patent Examiner
Art Unit 1652 (Recombinant Enzymes)
US Patent and Trademark Office
Rm. REM 2B69, Mail Box. 2C70
Ph. (571)-272-8137, Fax. (571)-273-8137

IC


REBECCA E. PROUTY
PRIMARY EXAMINER
GROUP 1800-
1600